

*U.S. Department of Justice
United States Attorney
Central District of California*

*Duncan DeVille
Assistant United States Attorney
Narcotics Section
t: 213-894-2692, f: 213-894-0142*

*U.S. Courthouse
312 N. Spring Street
Los Angeles, CA 90012
duncan.deville@usdoj.gov*

March 2, 2001

Hon. Alejandro Mayorkas
United States Attorney
312 North Spring Street
Los Angeles, CA, USA 90012
VIA FACSIMILE

Dear Allie:

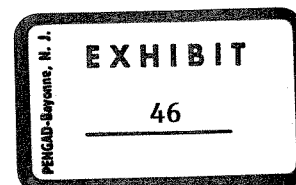
As an Assistant United States Attorney in the Narcotics Unit in Los Angeles, I frequently place in danger both my life and, more importantly the lives of law enforcement agents, in the pursuit of drug dealers. Accordingly, I cannot support your recent actions in assisting in the pardon of convicted cocaine trafficker Carlos Vignali.

In protest of your actions, I respectfully resign my position as Assistant United States Attorney in your office. This resignation will become effective sixty days from the date of this letter (the minimum time required by office policy).

Sincerely,

A handwritten signature in cursive script that reads "Duncan DeVille".

Duncan DeVille
Assistant United States Attorney
Narcotics Section



PETITION FOR PARDON AFTER COMPLETION OF SENTENCE

Please read accompanying instructions carefully before beginning. Typewrite or print the answers in ink. Each question must be answered fully, truthfully, and accurately. If the space for any answer is insufficient, petitioner may complete answer on a separate sheet of paper and attach it to the petition. Submission of material, false information is punishable by imprisonment of up to five years and a fine of not more than \$250,000. 18 U.S.C. §§ 1001 and 3571.

TO THE PRESIDENT OF THE UNITED STATES:

The undersigned petitioner prays for a pardon and in support thereof states as follows:

1. Full name: ALMON GLENN BRASWELL
First Middle Last
Address: [REDACTED] MIAMI BEACH, FL [REDACTED]
Number Street City State Zip Code
Telephone Number (include area code): [REDACTED]
Social Security No. [REDACTED] Date and place of birth: [REDACTED] Albany, GA
Sex: M Height: 6'2" Weight: 185 Hair Color: Grayish/Brown Eye Color: Hazel

Are you a United States citizen? ☐ yes ☐ no If not, state nationality and give alien registration number: _____ If naturalized U.S. citizen, furnish date and

place of naturalization: _____

State in full every other name by which you have been known, including name under which you were convicted, the reason for the use of another name, and the dates during which you were so known (for example, include your maiden name, name(s) by a former marriage(s), alias(es), and nickname(s)).

Offense(s) For Which Pardon Is Sought

2. Petitioner was convicted on a plea of not guilty in the United States District Court
(guilty, not guilty, nolo contendere)
for the Northern District of Georgia of the crime of:
(Northern, Western, etc.) (Identify state)
Violation of 18 U.S.C. Sec. 1623 (perjury); pled guilty to related charges of 18 U.S.C. Sec. 1341 (mail fra
(Describe specific offense) and 26 U.S.C. Sec. 7061 (tax evasion).
and was sentenced on December 5, 1983, to ☐ imprisonment for three (3) years,
☐ probation for _____, ☐ a fine of \$_____, and/or ☐ restitution of \$_____.

Petitioner was _____ years of age when the offense was committed. (Investigation initiated in 1978 when Mr. Braswell was 26 years old and was pressed continuously through 1983).

3. Petitioner began service of the sentence of ☒ imprisonment ☐ probation ^{/or about} on Feb. 15, 1984; was
released on Aug. 20, 1984 from Lexington/FCI; and was finally discharged by
(Federal Institution)
expiration of sentence on _____, 19____. Petitioner ☐ did ☒ did not appeal the conviction.

Indicate the date(s) on which the fine, restitution or special assessment was paid. If the fine, restitution, or assessment have not been paid in full, explain why. If appealed, please provide the date of decision(s) by the Court of Appeals and, if applicable, the Supreme Court. Please also provide citations to any published judicial opinion(s) or a copy of unpublished opinion(s). (An optional continuation page is provided.)

Not applicable while no direct appeal was ever taken; in 1977, Mr. Braswell sought to vacate the conviction based on the change in law manifested in United States v. Gaudin, 515 U.S. 506 (1995), through trial court and appellate proceedings that were rejected for reasons unrelated to Mr. Braswell's guilt or innocence.

4. Give a complete and detailed account of petitioner's offense(s), including dates (or time span) of the offense, names of codefendants and, when applicable, amount of money involved. Petitioner is expected to describe the factual basis of her/his offense completely and accurately and not rely on criminal code citations or name references only. If the conviction resulted from a plea agreement, petitioner should describe fully the extent of her/his total involvement in the criminal transaction(s), in addition to the charge(s) to which she/he pled guilty.

Glenn Braswell, a scientist and business man, developed a line of vitamins and nutritional supplements that he marketed by direct mail and television commercials. As part of a fraud investigation into the racketeering activities of Salvatore Borriello, Mr. Braswell was subpoenaed to testify in front of a federal grand jury. Mr. Braswell was questioned about his relationship with Salvatore Borriello, a convicted felon.

18 U.S. 1623 (Perjury)

The government contended that Mr. Braswell testified under oath before a grand jury that he and Mr. Borriello did not engage in any business transactions other than a "deal for TV time." The government claimed that this statement was false because Mr. Borriello had in fact acted on behalf of Mr. Braswell and his companies by negotiating reductions in amounts owed by Mr. Braswell to magazines as a result of advertising performed by those publications for Mr. Braswell's benefit.

18 U.S.C. § 1623 (Tax Evasion)

Also, according to the government, Mr. Braswell engaged in a number of other transactions with Mr. Borriello where Mr. Braswell overpaid for corporate services performed by Mr. Borriello, who in return provided cash payments to Mr. Braswell. The cash transactions apparently were not reported as income to the IRS and resulted in an understatement of income by Mr. Braswell.

18 U.S.C. 1341 (Mail Fraud)

With respect to mail fraud, the government charged Mr. Braswell with having knowingly devised and intended to devise a scheme and artifice to defraud and obtain money and property, by means of false and fraudulent pretenses, representations and promises, and to induce persons to purchase certain products known as "Right Place."

It was part of the scheme to defraud that Mr. Braswell would place false and misleading advertisements in magazines throughout the United States and in his magazine, Body Forum, in order to acquaint readers with his products, falsely claiming that users of those products had experienced physical and cosmetic enhancements such as hair growth and breast enlargement.

Prior and Subsequent Criminal Record

5. Have you ever been arrested, taken into custody, held for investigation or questioning, or charged by any law enforcement authority, whether federal, state, local or foreign, either as a juvenile or adult for any incident, aside from the offense for which pardon is sought? ☐ yes ☐ no
- For each incident list date, nature of charge, factual circumstances, law enforcement authority involved, location, and disposition. You must list every violation, including traffic violations that resulted in an arrest or criminal charge; for example, driving under the influence. Any omission will be considered a falsification. (An optional continuation page is provided if necessary.)*

On October 17, 1984, Mr. Braswell entered a nolo plea to Grand Theft in Broward County Court arising from a landlord tenant dispute in which Mr. Braswell, as landlord, allegedly entered the premises of his tenant. Because Mr. Braswell was at the time financially destitute, he chose not to contest the charge which was resolved by a sentence to run concurrently with the federal sentence, effectively eliminating any consequences to him beyond that imposed by his federal conviction. Incidentally, the state prosecutor stated himself that the prosecution "was not a good case...."

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Biographical Information

6. Current marital status: ☐ Never Married ☐ Married ☐ Divorced ☐ Widowed ☐ Separated
 For each marriage give the following: name of spouse, date and place of spouse's birth, date and place of marriage, and, if applicable, date and place of divorce, and current or last known address and telephone number of each former spouse:

Susan Brown [redacted] Los Angeles, CA
name of spouse date/place of birth

[redacted] Los Angeles, CA [redacted]
full address including Zip code telephone number, including area code

[redacted] (est.), Ft. Lauderdale, FL [redacted]
date/place of marriage date/place of divorce

Rene Douglas Covington [redacted] Atlanta, GA
name of spouse date/place of birth

[redacted] Coconut Grove, FL [redacted]
full address including Zip code telephone number, including area code

[redacted] Florence, Italy [redacted]
date/place of marriage date/place of divorce

7. List your children by name and furnish date and place of birth for each:
 (If you do not have custody of any minor children, indicate whether you pay child support.)

A. Glenn Braswell, Jr. [redacted] Santa Monica, CA
name of child date/place of birth

[redacted] [redacted]
name of child date/place of birth

[redacted] [redacted]
name of child date/place of birth

8. List the complete address of all schools you have attended since your conviction, beginning with the most recent and working backward. Indicate the type of degree/diploma received and give the name of an instructor, counselor, or other school official who knew you well. (An optional continuation page is provided if necessary.)

School	Not Applicable	From (month/year)	To (month/year)
Number and Street		Degree	Month/year awarded
City		State	Zip Code
Name of school official		Telephone number of school official	

Residences

9. List every place you have lived since the conviction, beginning with the present and working back. (All periods must be accounted for below.) List the physical location of your residence; do not use a post office box as an address. If you lived in an apartment complex, list your apartment number. (An optional continuation page is provided if necessary.)

Date you moved to present address (month/year):	Number and Street <u>[redacted]</u>		Apartment Number	
	City <u>Miami Beach</u>	State <u>FL</u>	Zip Code <u>[redacted]</u>	

From (month/year):	Number and Street <u>[redacted]</u>		Apartment Number	
To (month/year):	City <u>Las Vegas</u>	State <u>Nevada</u>	Zip Code	

From (month/year):	Number and Street <u>[redacted]</u>		Apartment Number	
To (month/year):	City <u>Coconut Grove</u>	State <u>FL</u>	Zip Code <u>[redacted]</u>	

Employment History

10. List all periods of employment and unemployment since the conviction, beginning with the present and working backward. List all full and part-time work, self-employment, and periods of unemployment. For each period of unemployment, indicate your means of support. (An optional continuation page is provided.)

Present Employer G.B. Data Systems, Inc.; Gero Vital Int'l, Inc.			Telephone (include area code) [REDACTED]
Date you began this employment (month/year): 1990			
Address City: Marina Del Rey		State: CA	Zip Code: [REDACTED]
Type of business Nutritional Products	Partition	Supervisor Not Applicable	Supervisor's telephone number

Employer Self-employed/worked out of home			Telephone (include area code)
Began (month/year): [REDACTED]			
Address City: [REDACTED]		State: [REDACTED]	Zip Code: [REDACTED]
Type of business	Partition	Supervisor	Supervisor's telephone number

Employer			Telephone (include area code)
Began (month/year): [REDACTED]			
Address City: [REDACTED]		State: [REDACTED]	Zip Code: [REDACTED]
Type of business	Partition	Supervisor	Supervisor's telephone number

- (a) Since the conviction, have you been fired or left a job following allegations of misconduct or unsatisfactory job performance? ☐ yes ☒ no
- (b) Have you failed to list the conviction, or any other arrest or conviction, on any employment or other application where requested to list such information? ☐ yes ☒ no
- If you answered yes to either of the above questions, explain fully below. An optional continuation page is provided.

Substance Abuse and Mental Health Information

11. (a) Have you ever used any illegal drug or abused prescription drugs or alcohol? ☒ yes ☐ no
If you answered yes, on a separate sheet identify the drugs used, the dates of use, and the frequency of use.
- (b) Have you ever been involved in the illegal sale or distribution of drugs? ☐ yes ☒ no
If you answered yes, on a separate sheet provide complete details and dates of your involvement.
- (c) Have you ever sought or participated in counseling, treatment, or a rehabilitation program for drug use or alcohol abuse? ☒ yes ☐ no
If you answered yes, on a separate sheet specify the dates of treatment or counseling, and provide the name, full address, and telephone number of the treatment facility and of the doctor, counselor or other treatment provider. See Attachment #11
- (d) Have you ever consulted with a mental health professional (psychiatrist, psychologist, or counselor) or with another health care provider concerning a mental health-related condition? ☒ yes ☐ no
If you answered yes, on a separate sheet specify the dates of treatment and the name, full address, and telephone number of the counselor/treatment provider. See Attachment #11

Attachment to No. 11

Mr. Braswell successfully participated in and completed numerous institutional programs and courses including, but not limited to, the following, which are directly related to the reasons the Court sent Mr. Braswell to F.C.I. Lexington:

Alcoholics Anonymous
Narcotics Anonymous
Multi-Modal Treatment
Introduction to Alcohol
First Three Steps
Alcohol Overview
Alcohol & The Family
Positive Mental Attitude I
Basic Self Image
Advanced Self Image
Transactional Analysis

Following his release from prison, Mr. Braswell returned to Florida where, under the supervision of the probation office, he both successfully participated in drug urinalysis and stress treatment programs.

Civil and Financial Information

12. (a) Are you in default or delinquent in any way in the performance or discharge of any debt or obligation imposed upon you? ☐ yes ☒ no
- (b) Since the conviction, have any liens (including federal or state tax liens) or any lawsuits been filed against you, or have you filed for discharge of your debts in bankruptcy? ☐ yes ☒ no
- (c) Do you have pending any judicial or administrative proceedings with the federal, state, or local governments? ☒ yes ☐ no

If you answered yes to any question, explain fully on the optional continuation page.

Mr. Braswell, along with two companies, has brought a petition under seal concerning matters pending in the U.S. District Court for the Central District of California.

Military Record

13. (a) Have you ever served in the armed forces of the United States? ☐ yes ☒ no

Dates of service: _____ Branch(es): _____

Serial numbers: _____ Type of discharge: _____

Decorations (if any): _____

If other than honorably discharged, specify type and circumstances surrounding your release(s) (use optional continuation page) and attach copy of your separation papers (Form DD-214).

- (b) While serving in the armed forces, were you the recipient of non-judicial punishment or the defendant in any court-martial? ☐ yes ☒ no

If yes, state fully the nature of the charge, relevant facts, disposition of the proceedings, the date thereof, and the name and address of the authority in possession of the records thereof. If you were convicted of an offense by court-martial, provide a copy of the court-martial promulgating order and on a separate sheet provide the same information with respect to each conviction that is required in questions 2 through 4 of this application.

Civil Rights and Occupational Licensing

14. Have you ever been granted or denied restoration of your civil rights (for example, a state pardon, a certification of restoration of civil rights, or a certificate of discharge)? ☐ yes ☒ no
Attach a copy of the document(s) evidencing the state's action.

15. Have you ever been granted or denied removal of your federal or state firearms disabilities? ☐ yes ☒ no
Attach a copy of the document(s) evidencing the federal or state action.

16. Since the conviction, have you been granted or denied any type of business or professional license, including the reinstatement of any licenses that were revoked or denied, in which your conviction was a consideration? ☐ yes ☒ no

If yes, attach a copy of the document(s) evidencing the action, including any explanation of the reasons for such action. If not available, provide the name, full address, and telephone number of the relevant authority taking the action, the nature of the license, the disposition of your request, and the date of the disposition. Use optional continuation page if necessary.

Reasons for Seeking Pardon

17. State your reasons for seeking a pardon. Please refer to paragraphs 4 and 11 in the attached Information and Instructions on Pardons. (As pointed out in paragraph 10 of the attached instructions, a pardon is a sign of forgiveness. Accordingly, in the usual request for pardon you should not reargue your case, assert innocence, or otherwise attack the validity of your conviction.)

During the past 15 years, Glenn Braswell has enjoyed an exemplary record of business accomplishments enhanced by significant civic contributions. He is currently the Chairman of the Board of G.B. Data System, Inc. and Gero Vita International, Inc. In the early 1980's, however, as a pioneer in the field of nutritional supplements, he was denigrated as a "snake oil" salesman for marketing products that are, ironically, widely accepted today. A visionary who challenged conventional medical doctrines, he was years ahead of mainstream thinking in the health care field, a mainstream that now enthusiastically embraces the use of vitamin and dietary supplements. See Exhibit 17-A.

His early successes and high-profile controversies included an alleged "expose" by shows like "Sixty Minutes" followed by three 1983 federal indictments in Atlanta. In the 1983 trial for perjury, Case NO. 83-CR-127, the prosecutor's case rested predominantly on Salvatore Borriello, an unacceptably tarnished predicate for a white-collar case by current standards. For example, at the time of the trial, Borriello's criminal history included recent convictions for mail fraud and tax evasion, as well as an extensive succession of 14 other felony arrests for crimes ranging from possession of counterfeit equipment to grand larceny and fraudulent checks. Some of these charges resulted in substantial prison sentences. Adding mental impairment to criminal culpability, in 1982, Borriello was admitted to a hospital reporting that he had suffered self-proclaimed loss of memory, as well as episodes of disorientation due to syphilis. An excerpt of the medical report is attached as 17-B while copies of a report on Borriello's criminal history are attached as Exhibits 17-C. Subsequent to his loss of memory he testified against Mr. Braswell.

Following conviction on one of the two perjury counts, Braswell pled to the remaining indictments, including mail fraud and tax evasion. Case Nos. 83-CR-126, 83 CR-267A1. No jail time was added by virtue of these convictions and, in light of his inability to fund any further defense as well as the threats of more prison and more charges, he made an *Alford* plea. An *Alford* plea, unlike the vast majority of federal criminal pleas, is essentially an acquiescence to a conviction without the specific admissions of actual guilt that are ordinarily required in plea colloquies. The District Judge, seemingly troubled by the weakness of the government's case, imposed the three-year sentence requested by Braswell's attorney over the government's objections. Thereafter, when Braswell filed a motion to reduce sentence, the District Judge granted the motion, reducing it to time served, a total of seven months.

Apart from the deeply troubling circumstances of reliance on a witness such as Borriello are subsequent legal developments that further would undermine the validity of the conviction under today's standards. These include the fact that a 1995 Supreme Court case revised the legal methodology for materiality in perjury cases in *United States v. Gaudin*, 515 U.S. 506 (1993). Glenn's conviction, if appealed today, would undoubtedly be erased. Despite the changes in the law, a federal appeals court ruled a year ago that, for procedural reasons, Glenn's convictions in the mid-1980's could not be remedied at this late date through *coram nobis*.

Certification and Personal Oath

I hereby certify that all answers to the above questions and all statements contained herein are true, and I understand that any misstatements of material facts contained in this petition may cause adverse action on my petition for pardon, in addition to subjecting me to any other penalties provided by law.

In petitioning the President of the United States for pardon, I do solemnly swear that I will be law-abiding and will support and defend the Constitution of the United States against all enemies, foreign and domestic, and that I take this obligation freely and without any mental reservation whatsoever, So Help Me God.

Respectfully submitted this _____ day of _____, 19____.

(signature of petitioner)

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public

RESIDENCES

1979 [REDACTED]
Atlanta, GA

1980-81 [REDACTED]
Fort Lauderdale, FL [REDACTED]

1985 Lexington Federal Correctional Institution
Lexington, VA

1987-88 [REDACTED]
Marina Del Rey, CA [REDACTED]

1991 [REDACTED]
Reno, NV [REDACTED]

1992-96 [REDACTED]
Las Vegas, NV [REDACTED]

1997 [REDACTED]
Coconut Grove, FL [REDACTED]

United States Department of Justice
Office of the Pardon Attorney
Washington, D.C. 20530

CHARACTER AFFIDAVIT

on behalf of

A. Glenn Braswell
(print or type name of petitioner)

In support of the application of the above named petitioner to the President of the United

States for pardon, I, Richardson R. Lynn
(print or type name of affiant)

residing at [REDACTED] Malibu, CA
City State Zip Code

[REDACTED] whose occupation is Dean, Pepperdine University School of Law
(print or type name of petitioner)

certify that I have personally known the petitioner for 3 years. Except as otherwise indicated below, petitioner has behaved since the conviction in a moral and law-abiding manner. My knowledge of petitioner's reputation, conduct and activities, including whether the petitioner has been arrested or had any other trouble with public authorities and has been steadily employed,

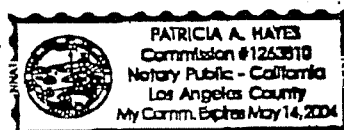
is as follows:

While I am aware of Mr. Braswell's prior conviction, my dealings with him have dealt with his strong charitable instincts, as he established an endowed scholarship fund at the law school that also offers summer employment to the recipient. As a member of the Board of Directors of one of his companies, I have observed him to have the highest standards of business ethics and concern for his employees. His prior experience where he crossed the line and paid the price has clearly resulted in a great citizen who is making a significant contribution to American society. I do solemnly swear that the foregoing information is true and correct to the best of my knowledge and belief.

[Signature]
(Signature of Affiant)

Subscribed and sworn to before me this 12 day of January, 2001

[Signature]
Notary Public



A. Glenn Braswell

310-821-9673

P.2

United States Department of Justice
Office of the Pardon Attorney
Washington, D.C. 20530

CHARACTER AFFIDAVIT
on behalf of

A. Glenn Braswell
name as on name of petitioner

In support of the application of the above named petitioner to the President of the United

States for pardon, I, Dr. John J. Andrews
name as on name of affiant

residing at [REDACTED] Atlanta, GA [REDACTED]
Place City State

[REDACTED] whose occupation is Professor Emeritus - Emory University
Petitioner's present or former address

certify that I have personally known the petitioner for 25 years. Except as otherwise indicated below, petitioner has behaved since the conviction in a moral and law-abiding manner. My knowledge of petitioner's reputation, conduct and activities, including whether the petitioner has been arrested or had any other trouble with public authorities and has been steadily employed, is as follows:

- 1) I have been in continuous contact with Mr. Braswell for the past 15 years
- 2) I know of nothing of a derogatory nature regarding his business, professional or personal life during this period of time.
- 3) He has (and is) a very successful business man and a good employer - both fair and generous to his employees
- 4) He is of high moral character, a generous supporter of numerous charities and to my knowledge - law abiding.

I do solemnly swear that the foregoing information is true and correct to the best of my knowledge and belief.

[Signature]
Signature of affiant

Subscribed and sworn to before me this 12 day of Jan. 19 01

[Signature]
Notary Public

Notary Public, Henry County, Georgia
My Commission Expires May 20, 2002



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AUTHORIZATION FOR RELEASE OF INFORMATION

Carefully read this authorization to release information about you, then sign and date it in ink.

I authorize any investigator, special agent, or other duly accredited representative of the Federal Bureau of Investigation, the Department of Defense, and any authorized Federal agency, to obtain any information relating to my activities from schools, residential management agents, employers, criminal justice agencies, retail business establishments, or other sources of information. This information may include, but is not limited to, my academic, residential, achievement, performance, attendance, disciplinary, employment history, and criminal history record information.

I understand that, for financial or lending institutions, medical institutions, hospitals, health care professionals, and other sources of information, a separate specific release will or may be needed, and I may be contacted for such a release at a later date.

I further authorize the Federal Bureau of Investigation, the Department of Defense, and any other authorized agency, to request criminal record information about me from criminal justice agencies for the purpose of determining my suitability for a government benefit.

I authorize custodians of records and sources of information pertaining to me to release such information upon request of the investigator, special agent, or other duly accredited representative of any Federal agency authorized above regardless of any previous agreement to the contrary.

I understand that the information released by records custodians and sources of information is for official use by the Federal Government only for the purposes provided in this form, and may be redisclosed by the Government only as authorized by law.

Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for three (3) years from the date signed.

Signature (sign in ink)		
Full Name (type or print legibly) ALMON GLENN BRASWELL		Date Signed
Other Names Used		
Street Address [REDACTED]		
City Miami Beach	State FL	ZIP Code [REDACTED]
Home Telephone Number (include area code) [REDACTED]		Social Security Number [REDACTED]

November 1995

Profile: A. Glenn Braswell

A. Glenn Braswell is Chairman and Chief Executive officer of Gero Vita International, Inc., and publisher of the *Journal of Longevity*, the nation's most widely read publication on longevity and nutrition. By its 10th anniversary in 1999, the Journal's circulation had grown to two million readers.

Mr. Braswell founded Gero Vita International in 1990 to promote and market an array of nutritional products and publications intended to enhance health and extend life. Later that year, he established the *Journal* to review research in preventive medicine for the layperson and promote health, well-being and anti-aging.

Within a few years, Mr. Braswell transformed the company into an industry leader. In rapid succession, the research department turned out innovative anti-aging supplements, such as Prostata, a combination of Pygeum africanum and Serenoa repens to aid prostate health, and Gero Vita G.H.3., a nutritional version of Gerovital, the popular European anti-aging formulation developed by Dr. Ana Aslan. Each formula proved to be a merchandising bonanza, and the health benefits of their ingredients are well supported in scientific studies.

At the same time, Mr. Braswell diversified, creating new products several times a year and launching Health Quest, Inc., which publishes books by noted specialists in all facets of nutritional health. In the past decade, Gero Vita International Inc., has formulated dozens of unique and popular nutritional supplements tailored for use by healthy and vibrant seniors and designed to help them make the most of their golden years. Gero Vita International, Inc., has grown into an international enterprise noted

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EXHIBIT A

for its high-quality products and breakthrough scientific research. By 1993, Mr. Braswell's company was one of the largest mail-order nutritional companies in America. For 1999, its sales approached \$250 million.

Mr. Braswell's views are featured in each issue of the *Journal of Longevity* under the heading of "Letter from the Publisher." The *Journal* has become a widely respected publication within the integrative medicine and nutritional health field; others - even competitors - frequently quote the *Journal*. On its board of advisors are more than 80 professionals from virtually every area of the medical field.

In recognition of his efforts, Mr. Braswell received the American Academy of Anti-Aging Annual Award (1994 and 1995) for his support and advocacy of issues covered by this national organization. In 1998, he was named "Humanitarian of the Year" by the prestigious 1,500-member physician group, which consists of the leading anti-aging medical professionals in the country. Mr. Braswell also received the Health Freedom Activist Award in 1993 and 1994 for the impetus he provided in educating the public on health, nutrition and anti-aging issues. He was recognized by the National Health Federation, a 30-year-old, 30,000-member organization, and by the American Oceans Campaign, Ted Danson's non-profit environmental organization, for his contributions as well as his editorial support.

In 1998, Mr. Braswell's commitment to educating people about integrative medicine prompted him to be the driving force behind the establishment of the Council on Natural Nutrition, a non-profit organization dedicated to educating consumers on supplements and health-related issues. The Council, which has been featured in the media, ranging from *Time* magazine to *Good Morning America*, has been invited to address Congress on two different occasions.

Mr. Braswell believes that the use of supplements, along with pioneering

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research, will unmask and eventually ameliorate the cellular basis for human aging, enable Americans to live into their 90s and beyond, and dramatically improve their health and the quality of their lives.

"Health care is a monumental challenge for our country," he says, "and to meet that demand, we have gathered a high-powered staff of biochemists, physicians and researchers who are constantly searching for longevity and health breakthroughs. Our goal is to formulate state-of-the-art products that will go a long way toward building and maintaining a healthy, high-quality, long life for all people. That's our hope and our goal at Gero Vita International."

To further these goals, Mr. Braswell expanded his philanthropic activities early in the new millenium with the establishment of the A. Glenn Braswell Foundation. The non-profit organization, which is dedicated to anti-aging and education, will present a series of Braswell Symposiums, the first of which will be held in San Francisco next March. Four Nobel Prize winners will headline the special "longevity-themed" conference. Medical professionals from throughout the country will be on hand for the event, which is being chaired by Dr. Walter Bortz of Stanford University and Dr. Ron Lawrence of UCLA.

Mr. Braswell is actively involved in numerous other research, charitable and civic activities. In 1998, he sponsored a research project in Arizona to determine the impact of nutritional supplements on learning and attention deficit disorder (ADD). Results of the study indicate positive benefits of specific nutritional therapy. Mr. Braswell is also a prime supporter of Dr. Michael West's multi-year scientific research project at Stanford University, where biological mechanisms are being studied in order to increase longevity and reduce the probability of cancer.

In addition, Mr. Braswell has supported Citizens for Health, the national non-profit consumer organization that spearheaded efforts resulting in the watershed DSHEA

legislation, the federal law permitting supplement manufacturers to inform their customers about the effects of supplements on human structure and function.

Beyond science, Mr. Braswell has become noted as an advocate of education and the impact it can have on social issues as well as longevity and science. He established a special scholarship program for his employees, and thanks to the fund, four current employees are pursuing advanced degrees in science, management, marketing and information technology. Mr. Braswell also has established an endowed scholarship fund at the Pepperdine University School of Law for "exceptional students who exemplify the highest standards of achievement."

His interest in the community and the people lead Mr. Braswell to contribute \$200,000 to support the widows and orphans of police officers in Los Angeles and Miami. For his long-time support and community involvement, Mr. Braswell received recognition from Los Angeles Police Chief Bernard Parks, the entire City Council of Los Angeles and Frank Boni of Miami-Dade's Police Officer's Assistance Trust.

A. Glenn Braswell was born in Albany, Georgia. Raised by his parents in rural Georgia, he received his degree from Alabama College in Birmingham. He then moved to Atlanta and entered the nutritional supplement field in its infancy during the 1970s, when most people were unconcerned even about cholesterol. Mr. Braswell now resides in Florida and has a two-year-old son, Glenn Jr. He is an avid physical fitness and sports enthusiast and enjoys ocean cruising, fishing and tennis.

BISCAYNE MEDICAL CENTER, INC.
2801 N.E. 209TH STREET AT BISCAYNE BLVD.
MIAMI, FLORIDA 33160

03-07-41

DISCHARGE SUMMARY

BORRIELLO, SALVATORE #

ADMISSION

DISCHARGE

ING
LEN, M.D.

DISCHARGE DIAGNOSIS

phillis.
sential tremor.
xiety, stress reaction.

REASON FOR ADMISSION

patient is a 45 year old white male admitted for evaluation
positive VDRL, loss of memory, episodes of disorientation,
severe weakness to the point of almost falling down. Patient
ms he was essentially well until six months prior to admission
n he started complaining of severe dizzy episodes, memory loss.
noted diffuse areas of maculopapular pruritic rashes throughout
body. He came to my office.

PHYSICAL EXAMINATION

essentially normal, but he had a positive VDRL in 1:4 dilution.
ient called me the next day, was severely weak, difficulty stand-
g, and he was subsequently admitted to the hospital for treatment,
valuation and LP.

PAST MEDICAL HISTORY

ed shrapnel in his left hand before.

SOCIAL HISTORY: Positive smoker and social drinker.

FAMILY HISTORY

two brothers alive and well. Father died of MI '64. Mother died
A of the breast in her 50s.

REVIEW OF SYSTEMS

Right hand shrapnel and dizzy.

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PHOTOCOPY

CONTINUED

ORIGINAL

CHART

TRANSCRIPTION RECORD

EXHIBIT B

EX-100-100000
U.S.D.C.

JAN 07 1983

BEN H. CARTER, Clerk

By

Deputy Clerk

UNITED STATES DISTRICT COURT

CASE # 82-127A

75 Spring Street S.W.

Atlanta, Georgia 30335

United States

V

Salvatore Borriello

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JAN 7 1983

BEN H. CARTER, Clerk

By: *[Signature]*
Deputy Clerk

MOTION FOR EXCISION OF PRESENTENCE INVESTIGATION REPORT.

Comes now, Salvatore Borriello, and moves this Court to excise his Presentence Investigation Report, and alleges as follows:

- 1.) Salvatore Borriello was convicted on September 15, 1982, of the charge of Mail Fraud and Income Tax Evasion.
- 2.) The Presentence Investigation Report contains convictions for the following offenses:

4/22/60

Fraudulent checks; quantity of tools.

Supreme Court, Justice Culin..... Probation; discharged on 4/7/64.

12/1/60

Fraudulent check; received tools valued at \$436.86.

Restitution made.....dismissed.

9/5/61

New York City Police Dept.
New York, New York.

Petty larceny.

10/17/61

New York City Police Dept.
New York, New York.

attempted grand larceny.

5/19/64

New York City

Fraudulent checks; misdemeanor.
Paid discharge, 5/19/64

10/17/64

New York City Police Dept.
New York, New York.

Attempted grand larceny.
2nd degree
Probation.

9/24/65

New York City Police Dept.
New York, New York

Grand larceny, Possession of Burglary Tools

Supreme Court, Kings County, New York..... dismissed.

12/21/66

UNITED STATES DISTRICT COURT
Michigan

Violation T 18, Sec. 2312, UNITED STATES
CODE
Mail Fraud.....dismissed 7/28/71
Dyer Act.....dismissed 8/13/71

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EXHIBIT C

9/28/65

Operated motor vehicle without consent of
owner.
.....dismissed.

5/6/69

Springfield, Ma. Police Dept. False instrument, 2 counts attempted larceny.
Hampden Superior Court.....2 1/2 to 3 years; 2 counts concurrently.

3/25/68

Ft. Lauderdale, Florida Possession of counterfit equipment.
Nollo processed.....12/14/70

9/17/69

Nassau County Police Dept. age 32
Long Island Grand larceny, 1st degree, 3 counts
Nassau County Court.....Details not available.
Sentence suspended.

9/24/60

New York City Police Dept. Illegal use of motor vehicle
New York, New York
Supreme Court, Kings County, New York..... Conditional discharge

10/11/69

Nassau County Police Dept. Grand larceny, 1st degree.
Monticello, New York.

12/17/69

New York City Criminal buying and receiving of stolen
property; misdemeanor.
2 to 3 years in State prison, run consecutively with Mass. Sentence.

- 3.) The last conviction was on December 17, 1969, and was followed by a ten (10)
year crime free period.

- 4.) Rules 606B of the Parole Commission, provide that no conviction more than
ten (10) years old and followed by a ten (10) year crime free period shall
be considered by the Parole Commission.

Respectfully Submitted,

Salvatore Borriello
Salvatore Borriello

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PHOTOCOPY

KENDALL COFFEY, P.A.2609 SOUTH BAYSHORE DRIVE
MIAMI, FL 33133

KENDALL COFFEY

January 17, 2001

The Honorable William Jefferson Clinton
President of the United States of America
The White House
Washington, D.C.

Re: Petition for Pardon, A. Glenn Braswell

Dear Mr. President:

I am writing on behalf of A. Glenn Braswell who I believe is truly deserving of the extraordinary measure of mercy embodied in a Presidential pardon. Relentlessly pursued by federal prosecutors in the late 1970's and early 1980's, they eventually found a memory-afflicted, career criminal to testify against Mr. Braswell in criminal proceedings that would never pass muster today. Even though the convictions would not meet modern standards of law and ethics and took place some 17 years ago, serious and harmful consequences continue. Because Mr. Braswell has suffered injustice that no other power can reach, we submit to you his entreaty for clemency.

During the past 15 years, Glenn Braswell has enjoyed an exemplary record of business accomplishments enhanced by significant civic contributions. He is currently the Chairman of the Board of G.B. Data Systems, Inc. and Gera Vita International, Inc. In the early 1980's, however, as a pioneer in the field of nutritional supplements, he was unfairly denigrated as a "snake oil" salesman for marketing products that are, ironically, widely accepted today. A visionary who challenged conventional medical doctrines, he was years ahead of mainstream thinking in the health care field, a mainstream that now enthusiastically embraces the use of vitamin and dietary supplements.

His early successes and high-profile achievements in the vitamin field led to attacks orchestrated by established pharmaceutical interests. Shows like "Sixty Minutes," followed with alleged "exposes" which, in turn, attracted intensive prosecution efforts that led to three 1983 federal indictments in Atlanta. In the 1983 trial for perjury, the prosecutor's case rested almost entirely on Salvatore Borriello, an embarrassing predicate on which to rest a case against a previously impeccable businessman. In fact, it was in the course of the prosecution's investigation of Borriello's alleged racketeering activities that Braswell, with a spotless record at the time, appeared as a grand jury witness. In a grim paradox that turned justice upside down, Braswell abruptly became the government's target based on accusations leveled by Borriello, the real criminal. Indeed, at the time of Braswell's trial, Borriello's criminal history included recent convictions for mail fraud

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PHOTOCOPY

The Honorable William Jefferson Clinton
President of the United States of America
January 17, 2001
Page 2

and tax evasion, as well as an extensive succession of 14 other felony arrests for crimes ranging from possession of counterfeit equipment to grand larceny and fraudulent checks. Adding mental impairment to criminal culpability, in 1982, Borriello was admitted to a hospital reporting that he had suffered self-proclaimed loss of memory, as well as episodes of disorientation due to syphilis.

Based essentially on Borriello's testimony, all induced in exchange for favorable consideration and treatment by the federal prosecutors, Braswell was convicted on one of the two perjury counts. In light of that conviction, Braswell pled to the remaining indictments, including mail fraud and tax evasion and later to a state court theft charge¹ because no jail time whatsoever was added by virtue of these other convictions and concurrent sentences. By then, unable to fund any further defense and facing threats of years in prison if he failed to plead, Braswell had no reason to fight the other charges. In fact, concerning the federal charges, he entered *Alford* pleas. An *Alford* plea, unlike the vast majority of federal criminal pleas, is essentially an acquiescence to a conviction without the specific admissions of actual guilt that are ordinarily required in plea colloquies. Significantly, the District Judge, seemingly troubled by the weakness of the government's case, imposed no more than the three-year sentence requested by Braswell's attorney over the government's objections. Thereafter, when Braswell filed a motion to reduce sentence, the District Judge granted the motion, reducing it to time served, a total of seven months.

Apart from the deeply troubling circumstances of reliance on a witness such as Borriello are subsequent legal developments that further would undermine the validity of the conviction under today's standards. These include the fact that a 1995 Supreme Court case revised the legal methodology for materiality in perjury cases in *United States v. Gaudin*, 515 U.S. 506 (1993). Glenn's conviction, if appealed today, would undoubtedly be erased. Unfortunately, the courts have declined to apply *Gaudin* retroactively. A year ago, a federal appeals court ruled that for procedural reasons, Glenn's convictions in the mid-1980's could not be remedied at this late date through *coram nobis*.

Although long ago for judicial purposes, the effects of the convictions in 1983 nonetheless continue to haunt Glenn Braswell. For instance, in his recent divorce, his ex-wife's attorney repeatedly exploited the fact of the convictions throughout the court proceedings, proceedings that included significant custody issues concerning his three-year-old son. Because the stigma of perjury can be especially unfair, the 1983 conviction leaves a stain that even 17 years of good work and good deeds have not erased.

For these reasons, I believe this petition deserves clemency. Your Presidency has brought our nation the greatest eight years it has enjoyed during my lifetime. It has created a legacy not only

¹Illustrating the weakness of such charges, Braswell pled *nolo* amidst a 1983 landlord-tenant dispute in which Braswell, as landlord, went upon premises he actually owned upon advice of his civil lawyer.

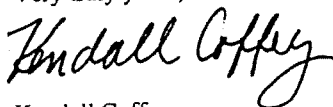
KENDALL COFFEY, P.A.

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January 17, 2001
Page 2

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Very truly yours,

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Kendall Coffey

KC:lba

KENDALL COFFEY, P.A.

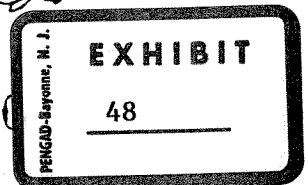
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PHOTOCOPY

KENDALL COFFEY

January 12, 2001

Dear Hugh, Attached is the application we discussed. The executed copy along with additional affidavit support will arrive at my office later today. Numerous support letters are available and can be added immediately. For your review, I have tabbed the explanation of the basis for the pardon along with one of the supporting affidavits from a law school dean. The client proposes \$20,000 for a best efforts submission and an \$80,000 success payment. Both numbers are negotiable, especially the latter. The initial payment can be wired Tuesday a.m. if the representation is accepted. Please let me know your thought, Best Regards, and please call for lunch later this month. Kendall

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TRANSMISSION OK

TX/RX NO
CONNECTION TEL
SUBADDRESS
CONNECTION ID
ST. TIME
USAGE T
PGS.
RESULT

4046

01/17 11:51
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OK

200 GRAND BAY PLAZA
2665 SOUTH BAYSHORE DRIVE
MIAMI, FLORIDA 33133
305-285-0800 — PHONE
305-285-0257 — FAX

KENDALL COFFEY, P.A.

Facsimile-PERSONAL AND CONFIDENTIAL

DATE:	JANUARY 17, 2001
TO:	MR. HUGH RODHAM, C/O THE WHITE HOUSE
FAX:	
FROM:	KENDALL COFFEY, ESQ.
RE:	
CLIENT/MATTER:	
TOTAL NUMBER OF PAGES INCLUDING COVER PAGE:	
COMMENTS:	

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INFORMATION PROTECTED BY ATTORNEY-CLIENT AND/OR PRODUCT PRIVILEGE. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE AND THE PRIVILEGES ARE N OF THIS HAVING BEEN SENT BY FACSIMILE. IF THE PERSON ACTUALLY RECEIVING THIS FACSIMILE OR ANY OTHER READ IS NOT THE NAMED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE NAMED RECIPIENT, ANY

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PENGAD-Byronne, W. J.

EXHIBIT

49

KENDALL COFFEY, P.A.

200 GRAND BAY PLAZA
2665 SOUTH BAYSHORE DRIVE
MIAMI, FL 33133

January 17, 2001

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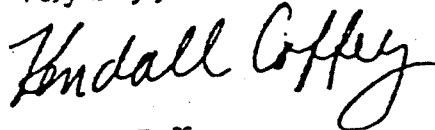
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The Honorable William Jefferson Clinton
President of the United States of America
January 17, 2001
Page 2

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A handwritten signature in cursive script, reading "Kendall Coffey". The signature is written in dark ink and is positioned above the printed name.

Kendall Coffey

KC:lba

KENDALL COFFEY, P.A.

00 07

KENDALL COFFEY, P.A.

MIAMI, FL 33133

February 4, 2001

A. Glenn Braswell
G.B. Data Systems, Inc.

PERSONAL AND CONFIDENTIAL

Marina del Rey, CA

Attn: Ron Teppen

Re: A. Glenn Braswell Clemency Application

STATEMENT

FOR PROFESSIONAL SERVICES RENDERED:

<u>Date</u>	<u>Description</u>	<u>Hours</u>
01/05/01	Update on status with Glenn; misc. follow-through.	.3
01/08/01	Initial inquiries on engaging consultant re past convictions.	1.2
01/09/01	Follow-up inquiries, etc., concerning pardon.	.8
01/10/01	Further follow-up on pardon issues.	2.3
01/10/01	Review and analysis of status; update with Glenn;	.4
01/11/01	Extensive review and research of files; initial conferences including with Glenn; initial drafting of application on pardon.	9.6
01/12/01	Dozen phone conferences; extensive review of materials; revisions, etc., preparation of application	7.5

<u>Date</u>	<u>Description</u>	<u>Hours</u>
01/15/01	Update on status of various pending issues with Glenn, misc. follow-up.	.6
01/16/01	Review and revision of application; discussion with possible consultant; follow-up adding Broward conviction to application; multiple discussions, follow-ups, etc.	6.2
01/17/01	Drafting, finalizing letter on pardon; various follow-up discussions and inquiries	3.1
TOTAL	32 hours at \$350 per hour	\$11,200.00

PLEASE REMIT TO:

KENDALL COFFEY, P.A.

[REDACTED]
[REDACTED]

Miami, FL 33133

RODHAM & FINE, P.A.
IOTA ACCOUNT
633 S.E. 3RD AVE., STE 4R
FORT LAUDERDALE, FL 33301

1314

PAY TO THE ORDER OF Ms. Nikki Lum

\$20,920.00

TWO THOUSAND - four hundred & twenty DOLLARS

FIRST UNION
First Union National Bank
of Florida
P.O. Box 1000
Fort Lauderdale, Florida
24 Hour Information Service
1-800-735-7012

FOR [REDACTED]

"000 204 2000"

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REQUEST [REDACTED] 20420.00
ROLL 4140 [REDACTED]
JOB 00345 P ACCT [REDACTED]
REQUESTOR DEBRA TAYLOR
SUBPOENA FILE# 06080121-1

SUBPOENAS AND SUMMONS
PA4292
PHILADELPHIA, PA 99 99 9-999

EXHIBIT

51